बड़ी बड़ी कम्पनियां रही हैं, उनका सारा व्यापार धंधा रहा है मगर वहां हेड आफिस नहीं है। अतः इसको कम से कम बिहार में देने की कृपा करें यह मैं एक आपसे निवेदन करना चाहता हूं। मंत्री जी श्री दूबे जी भी बैठे हैं; इसका समर्थन करेंगे।

THE VICE-CHAIRMAN (DR. R. K. PODDAR): We are not discussing the Railways.

Now, the question is:

"That the Bill to provide for the declaration of the Sadiya-Dhubri Stretch of the Brahmaputra river to be a national waterway and also to provide for the regulation and development of the said stretch of that river for purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. R. K. PODDAR): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 *and* 3 *and the Schedule were added to the Bill.*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI RAJESH PILOT: Sir, I beg to move:

"That the Bill be passed."

The queestion was put and the motion was adopted.

MATERNITY BENEFIT (AMENDMENT) BILL, 1987.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Sir, I beg to move:

"That the Bill further to amend the Maternity Benefit Act, 1961, be taken into consideration."

As the Hon'ble Members will be aware, the Maternity Benefit Act, 1961 regulates the employment of women in certain establishments before and after child birth and provides for maternity and certain other benefits. The Act applies in the first instance to factories, mines, plantations and the circus industry. It can be extended to other establishment by the State Governments. There is no wage limit for coverage under the Act.

With the gradual extension of coverage under the Employees' State Insurance Act, which also provides for maternity and certain other benefits, the area of application of the Materinty Benefit Act has shrunk to some extent. The coverage under the ESI Act is, however, at present restricted to factories and certain other specified categories of establishments located in specified areas. The Maternity Benefit Act is, therefore, still applicable to women employees employed in establishments which are not covered by the ESI Act, as also to women employees, employed in establishments covered by the ESI Act, but who are out of it because of the wage limit.

Under the Act, women employees are entitled to maternity benefit at the rate of average daily wages for the period of their actual absence upto 12 weeks due to delivery. In cases of illness arising due to pregnancy etc. they are entitled to additional leave with wages for a period of one month. They are also entitled to six weeks maternity benefit in case of miscarriage. The Act also makes certain provisions to safeguard the interest of pregnant woman workers. The Act was last amended in 1976. Since then certain suggestions for further amendments have been received. A Working Group of the Economic Administration Reforms Commission had reviewed the provisions of the Act in 1984 and made certain recommendations for amendment of the Act. The various suggestions and recommendations have been considered and it is now proposed to carry out certain amendments in that.

Some of the more important amendments are: Provisions of the Act are

[Shri Bindeshwari Dubey]

being extended to shops or establishments employing ten or more persons. The qualifying period for the grant of maternity benefit is being reduced from 160 days of actual work in the preceding twelve months to 80 days of work in the preceding twelve months. The rate of maternity benefit payable to women employees for each day of absence due to maternity is being fixed at the average daily wages or the minimum rate of wages fixed or revised under the Minimum Wages Act or Rs 10/.- whichever is higher. The existing rate is the average daily wage or Re. 1/- a day whichever is higher. The rate of medical benefits payable to these women employees in case the employer does not provide pre-natal confinement and post-maternity care free of charge is being revised from Rs. 25/- to Rs. 250/-. A provision is being made for filing of complaint with the competent court by the aggrieved woman or an office-bearer of a registered trade union of which such woman is a member or a voluntary organisation or an Inspector. At present, a complaint can be filed only with the previous sanction of the Inspector. A provision is being made to provide for issue of Recovery Certificate by the Inspector to the Collector in order to make recovery more effective. These are, in short, some of the more important amendments proposed through this Bill.

I hope the Members will welcome the proposed amendments which are of a non-controversial nature.

With these words, Sir, I commend the Bill for the consideration of the House.

The question was proposed.

THE VICE-CHAIRMAN (SHRI R. K. PODDAR): Now, Dr. Vijaya Mohan Reddy.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): Sir, this Bill deals with a very important sector of our people. The health of the child and the mother is one of the most important priorities of say welfare Government. This Bill is a very simple one. But, at the same time, I would like to tell that like any other labour legislation it is very difficult to implement it because there are no agencies to implement it. It covers a vast population. Through this Bill we want to help the women labourers during their period of maternity, that is, pregnancy, delivery, post-natal care and things like that. We want to cover all factories, mines, plantations, etc. We also want to cover shops and other such establishments. It is this huge population which we are aiming at. But, actually, women labourers are not registered. It is very nice that you have reduced the qualifying period for getting the maternity benefit. But there are no records. It always happens that the labourers, particularly the women labourers, are at the mercy of the persons who extract work from them and that is why I say that without any proper register, it becomes very difficult to identify these women. Unless there is a big drive to register these people and to see that their names are properly entered and to see that they are recognised as labourers, these benefits will not reach them because you cannot identify them otherwise. Then only these benefits will go to them. So, the biggest lacuna in this is that there are no agencies to do this particular job. Even in small establishments in the *bidi* industry, the *bidi* leaves are distributed to the households and I am told that there is no register at all. So, whenever any trade union leader or any other person goes to them to find out the particulars, these people flatly refuse to give any information. And all the establishments are closed and it becomes so difficult to see that these benefits reach these women. As I told you, our country has got the highest mortality rate during child birth. According to statistics given by the WHO, there are 417.6 maternal deaths per one lakh of live births while in the U.S.A. it is 12.1. Just compare it. There are 417 maternal deaths during child birth while in USA it is just 12.1, and even in country like Thailand it is just about 100, that is, one-fourth. That means, risk, to the mother is great. Nutrition standard of the mother is also depleted.

She does not get proteins; she does not get eggs; she is not able to get these nutrients and under these circumstances extracting work from them is also cruel. We see women labourers—pregnant labourers carrying loads on their heads and continuously working. These benefits can prove meaningful only when there is some blessed person to go and enquire about it and see that the names of these women labourers appear in the registers. For that, Labour Officers are there to look after this work; departmental officers are also there. But they are on good terms with the establishments and when they are good with the establishments, naturally they are not inclined to take action against these establishments, and all our efforts to provide relief to these women go waste, because these benefits do not reach them. These benefits are, no doubt, available; we support the Bill totally. But we feel that enough has not been provided. Say, for instance, during the maternity period, the mother gets just Rs. 10 per day. Nowadays, the amount of Rs. 10 is so meagre. What is this amount? Can a person get a good meal or a balanced diet with this money? We see these women working in the mines, in the plantations. They should be able to get at least three square meals and also some additional calories. Because she has not only to feed herself, she has as well to feed the child which is yet to take birth. So, I feel, this amount of Rs. 10 which has been provided, is very meagre.

But even this amount of Rs. 10 which has been provided may not reach her.

About medical bonus also, there are no rules. No action is taken by the employer, and then we postulate that we will give some benefits to these women. There is no post-delivery care and necessary medical help is not made available. The amount of Rs. 250 which has been mentioned, is also very meagre. For medical check-ups, for medicines, the women may have to go to a hospital or to a private clinic, and she may be required to spend much more. So, I feel this amount is very meagre.

It has been said in the Bill that "The Labour Inspector who is appointed for this purpose, ...may pass such orders as are just and proper according to the circumstances of the case." These are cases where no option or discretion should be given to these people. It must be made binding on the Labour Inspector to immediately take action and see that payment is made. It must be binding.

Then about punishment, it should be deterrent punishment. It is given here "fine or one year imprisonment". There must be some imprisonment because these are cases involving problems of human beings. A mother works all through. At the same time, at the time of delivery, she is not given the benefit. The employer wants to extract work. This is cruel. Such employers should be punished. There should be a penal clause . He should be imprisoned for one year. He cannot be allowed to escape just with fine. At least, if the provision is strict, something will come out of it. Otherwise, as in the case of the other labour laws, the empolyer will evade the laws and escape punishment. They should not be allowed to go scotfree in spite of their behaviour which should be considered cruel in a civilised society.

I support the Bill. At the same time, I would say, if you want that this should be implemented properly, if you want to ensure that the benefits of this legislation should go to the women workers, there should be a steady drive in this direction. You should ensure that there is proper registration. The establishments which do not register the workers, specially, women workers, should also be punished. Provisions are there. But the punishment should be very stringent. Thank you.

कुमारी सईदा खातुन (मध्य प्रदेश) : माननीय उपसभाध्यक्ष महोदय, हमारी सरकार महिलाओं को प्रसूतिकाल में अवकाश सुविधा देने के लिए जो संशोधन कर रही है, यह स्वागत योग्य है। मैं इसका समर्थन करने के लिए खड़ी हुई हूं।

[कमारी सईद खातून]

महोदय, सन् 1961 के बाद यह संशोधन किया जा रहा है। हालांकि मुझे मालूम नहीं था कि आज ही यह बिल पास हो रहा है और मेरी कुछ तैयारी भी नहीं है, लेकिन एक महिला होने के नाते में अपनी महिला जाति के लिए और हमारी उन महिलाओं के लिए जो मानव जाति के निर्माण में अपनी जान की बाजी लगा कर देश के भावी नागरिकों के निर्माण में अपना योगदान देती हैं, उनके हक में बोलने के लिए खड़ी हुई हूं।

महोदय, मैं हमारी सरकार का स्वागत करती हूं कि वह बिल में इतने अच्छे तरीके का संशोधन करने जा रही है। हमारी महिलाएं जो कि श्रमिक हैं, जो बहुत ही इंटीरियर क्षेत्रों में काम कर के अपनी जीविका चलाती हैं उनके हित में यह बिल पास करने के लिए आप सभी लोगों ने जो योगदान दिया है उसके लिए आप सबको धन्यवाद देती हूं।

महोदय, हमारी महिलायें, आफिसर्स से लेकर, निम्न श्रेणी की जो कर्मचारी होती हैं या लेबर होती हैं उनको सही में उन दिनों में अवकाश की बहुत जरूरत रहती है और आपने जो थोड़े पैसे की जो व्यवस्था की है, उसके लिये मैं आपकी शुक्रगुजार हू। धन्यवाद।

श्री बिरेश्वरी दुबे : महोदय, मेटर्निटी बेनिफिट (अमेंडमेंट) बिल, 1967 में जो संशोधन लाये गये हैं उसका इन्टेंशन यह है कि जो उसमें सुविधा प्राप्त है महिला श्रमिकों को उसको सुलभ और सुगम बनाया जाय तथा उसका कवरेज और बढ़ाया जाय। जहां पहले सिर्फ उद्योगों में, बागानों में, कारखानों में, खदानों में उस बिल के प्रावधानों को लागू किया जाता था वहां भी हम लोगों ने उसका कवरेज बढ़ा दिया दुकानों में भी जहां 10 महिला श्रमिक ी हों या उससे ज्यादा काम पर भी इस बिल के किया है। महोदय, कि महिला श्रमिकों को प्रसवकाल में जो पैसे मिलेंगे वह उनके लिये पौष्टिक आहार व उनके बच्चों के लिये पौष्टिक आहार देने के लिये उपयुक्त नहीं होंगे। लेकिन पहले का जो प्रावधान है उसे देखें तो मात्र एक रुपये थी। उसकी एवरेज वेज में भी सुधार लाया गया है इस संशोधन के माध्यम से। अब किसी महिला श्रमिक को प्रसव होता है तो उसके तीन महीने पूर्व भी अगर वह पीस रेटिड वकर है जितना उसका एवरेज वेज निकलता है या फिर उसके लिये जो मिनिमम वेजिज एक्ट में मिनिमम वेजिज का प्रावधान है या दस रुपये, उसमें सबसे जो ज्यादा हो। बहुत सी जगहों पर पीस रेटिड महिलाओं की, श्रमिकों की आमदनी ज्यादा हो जाती है, उसकी एवरेज निकालने से, इसलिये यह प्रावधान भी रखा गया है लेकिन किसी भी हालत में मिनिमम वेजिज एक्ट में जो मिनिमम वेजिज फिक्स है उससे कम उसको नहीं मिल सकता है। सबसे जो इसमें ज्यादा सहूलियत महिला श्रमिकों को प्रसव काल में सुविधाओं को प्राप्त करने के लिये दी गई है वह यह कि जहां पहले वह प्रसव के दिन के 12 महीने पूर्व के काम में उनकी 160 दिन की उपस्थिति आवश्यक थीं वहां उसको घटाकर सिर्फ 80 दिन कर दिया गया है और उस 80 दिन में भी अगर कोई ले आफ का पीरियड हो या मान्यता प्राप्त कोई पर्व की छुट्टियां हो वे भी उसमें शामिल कर दी गई हैं, इससे आसान हो गया है। जहां पहले एम्पलायर्ज 160 दिन का उसका क्वालिफाइड पीरियड होने से वंचित कर देते थे, अब वे वंचित नहीं कर पायेंगे और खास तौर से यह इस दृष्टि से किया गया है कि जहां केज्यूअल या टैम्परेरी करके बहाल करते है, उस हाल में तो उनका काम नहीं हो पाता था, वे वंचित हो जाती थीं उससे। मेरा ख्याल है कि इससे अब काफी महिलायें सुविधा पाने की हकदार हो जायेंगी।

एक बात कही गई थी, कि उसके लिये वह मस्टर रोल मेनटेन ही नही करते, कोई रजिस्टर रखते ही नहीं, उसमें लिखते ही नहीं। कानून में उसका प्रावधान है और उसका मस्टररोल मेनटेन करना आवश्यक है, चाहे वह महिला कर्मचारी

हो या पुरुष हो, सबका मस्टर रोल मेनटेन करना आवश्यक है और अगर नही करें तों यह कानून का उल्लंघन होग और उसके लिये वे डंडित किये जा सकते है। इसके अतिरिक्त एक और भी जो सुविधा इसमें प्रदान की गई है वह है कि कभी-कभी ऐसा होता है कि प्रसवकाल की अवधि के दौरान में महिला श्रमिका या उसके बच्चे के स्वास्थ्य लाभ करने के लिये ज्यादा अवधि तक रहने की जरूरत पड़ती है। तो जहां पहले प्रसव के दिन के पूर्व छः सप्ताह जो बहुत कम है छुट्टी ले सकती है लेकिन प्रसव के बाद 12 सप्ताह में जितना भी बनता है वह पूरा का पूरा वे ले सकती है जिससे कि उनके बच्चे और उनके स्वास्थ्य पर बुरा प्रभाव न पड़े। इसके अतिरिक्त भी अगर वह सर्टिफिकेट दे या सबूत पेश करे कि प्रसूति की अवधि से उनके स्वास्थ्य के ठीक होने में देर लगेगी या उनका स्वास्थ्य ठीक नहीं हुआ है तो एक महीने की अतिरिक्त छुट्टी भी उनको मिल सकती है इस कानून के प्रावधान के अन्तर्गत और इसका उसी तरह से उनको पेमेंट होगा जिस तरह से मेटरनिटी बेनिफिट की पेमेंट होती है।

महोदय, दूसरे जो मेडिकल बोनस का प्रावधान है, इस प्रावधान के अन्तर्गत उनको पहले 25 रुपये दवा-दारू के लिये मिलते थे जिसको बढ़ाकर 250 रुपये कर दिया गया है। लेकिन ई.एस.आई. एक्ट के मुताबिक जो भी प्रतिष्ठान ई.एस.आई की कवरेज में आते हैं वहां तो पूरे मेडिकल की उनको फैसिलिटी दी जाती है और उनकी चिकित्सा सुविधा के लिये जितना भी खर्च पड़े वह ई.एस.आई. अस्पताल से उनको प्राप्त होता है। यह तो सिर्फ वैसे प्रतिष्ठानों के लिये या दुकानों के लिये जो ई.एस.आई. की कवरेज में अभी नहीं आये हैं ई.एस.आई. एक्ट के, उनके लिये की गई है लेकिन वह रकम भी अब 25 रुपये से बढ़ा कर 250 रुपये कर दी गई है इस संशोधन के मुताबिक।

महोदय, इसमें दो विशेष बातें उल्लेखनीय हैं जहां पहले बिना इंस्पेक्टर की परमिशन के कोई केस फाइल नहीं हो सकता था वहां अब इंस्पेक्टर की परमिशन की कोई आश्वकता नहीं है। कोई भी मजदूर संगठन जिसकी वह महिला सदस्य हो या कोई भी स्वयंसेवी संस्था या श्रमिक चाहे तो केस फाइल कर सकता है। अगर कोई इंप्लायर इस्पेक्टर के सामने उससे संबंधित कागजात देने की आनाकानी करें तो उसके लिये भी दंड की व्यवस्था की गई है। कोई निरीक्षक के कार्यों में बाधा उत्पन्न करे या कागज उपलब्ध न कराये या रजिस्टर वगैरह उपलब्ध कराने में आनाकानी करे तो उसे एक साल तक की कैद हो सकती है और पांच हजार रुपये तक जुर्माना हो सकता है या दोनों हो सकते हैं। इसमें दंड की मात्रा को बढ़ाया गया है। जहां पहले जुर्माने की रकम 500 रुपये थी वहां अब पांच हजार कर दी गई है और जहां पहले कैद में रखने की अवधि तीन महीने की थी वह अब 3 महीने से बढ़ाकर एक वर्ष कर दी गई है। पर किसी भी हालत में तीन महीने कम की कैद नहीं होगी और दो हजार रुपये से कम जुर्माना नहीं हो सकता। तो इस तरह से दंड की मात्रा काफीब ढ़ाई गई है और कठोरतापूर्वक इसका पालन हो सके, ऐसी व्यवस्था की गई है।

THE VICE-CAIHRMAN (DR. R. K. PODDAR): The Bill has been welcomed by all sections of the House. So, it may not be necessary to dilate on the provisions.

श्री बिंदेश्वरी दुबे : कुछ कठिनाईया प्रकट की हैं सदस्यों ने, इसलिये मैंने उनका जवाब दे दिया। दंड की व्यवस्था के बारे में मैंने बता दिया।

इन्हीं शब्दों के साथ मैं प्रस्ताव करता हं कि इस विधेयक को पास किया जाय।

THE VICE-CHAIRMAN (DR. R. K. PODDAR). The question is:

"That the Bill further to amend the Maternity Benefit Act, 1961, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. R. K. PODDAR): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 11 were added to the Bill.

THE VICE-CHAIRMAN (DR. R. K. PODDAR): Clauses 1. There is an amendment by the Minister.

2. *Clause* 1—*Short title and Commencement.*

SHRI BINDESHWARI DUBEY: Sir, I move:

"That at page 1, line 4, for the figure '1987' the figure '1988' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR. R. K. PODDAR): The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended, was added to the Bill.*

THE VICE-CHAIRMAN (DR. R. K. PODDAR): Enacting Formula. There is an amendment by the Minister.

Enacting Formula

SHRI BINDESHWARI DUBEY: Sir, I move:

"That at page 1, line 1, for the word thirty-eighth' the word Thirty-ninth be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR. R. K. PODDAR). The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI BINDESHWARI DUBEY: Sir, I move:

"That the Bill, as amended, be passed"

The question was put and the motion was adopted.

ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT LEGISLATIVE AND OTHER BUSINESS

THE VICE-CHAIRMAN (Dr. R.K. PODDAR) : I have to inform Members that the Business Advisory Committee at its meeting held today, the 11th August, 1988, allocated time for Government Legislative and other Business as follows :—

	Business	Time Allotted
1.	Discussion on the Statutory Resolution Seeking disapproval of the Arms (Amendment) Ordinance, 1988 and consideration and passing of the Arms (Amendment) Bill 1988, as passed by Lok Sabha	2 hrs.
2.	Discussion on the Statutory Resolution seeking disapproval of the Religious Institutions (Prevention of Misuse) Ordinance, 1988 and consideration and passing of the Religious Institutions (Prevention of Misuse) Bill, 1988, as passed by Lok Sabha	3 hrs.
3.	Discussion on the Statutory Resolutions seeking disapproval of the Nationals Security (Amendment) Ordinance, 1988 and consideration and passing of the National Security (Amendment) Bill 1988, as passed by Lok Sabha . .	3 hrs.
4.	Consideration and return of the following Bills, as passed by Lok Sabha :—	
	(a) The Punjab Appropriation (No. 2) Bill, 1988	3 hrs.
	(b) The Tamil Nadu Appropriation (No. 2) Bill, 1988	2 hrs.
5.	Consideration and passing of the Delhi Rent Control (Amendment) Bill, 1988	2 hrs.